

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

PROTHERICS, INC.

5214 Maryland Way
Brentwood, TN 37027

Plaintiff,

v.

HON. DAVID KAPPOS,
Under Secretary of Commerce for
Intellectual Property and Director of the
United States Patent and Trademark Office.
Office of General Counsel, United States
Patent and Trademark Office,

Madison Building East, Rm. 10B20
600 Dulany Street,
Alexandria, Virginia 22314

Defendant.

CIVIL ACTION NO.: _____

COMPLAINT UNDER 35 U.S.C. § 145
TO AUTHORIZE THE DIRECTOR TO ISSUE LETTERS PATENT

Plaintiff, Protherics, Inc. ("Protherics"), by and through its attorneys, alleges as follows:

NATURE OF THE ACTION

1. This case concerns a ground-breaking treatment for rattlesnake venom poisoning and the erroneous denial by the United States Patent & Trademark Office ("PTO") of patent protection for that technology. Protherics is the assignee of U.S. Patent Application Serial No. 08/405,454 ("the '454 application") and is dissatisfied with a decision by the Board of Patent Appeals and Interferences ("the Board"). Protherics seeks judgment, pursuant to 35 U.S.C. § 145, that it is entitled to a patent.